



**City of West University Place**  
**APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF THE**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")**

**Address of site:** "0" Ruskin Street City of West University Place, Texas 77005

**Legal description of the site:**

Lots 1-6, Block 25 of Collegeview Section 1, City of West University Place Texas 77005

**Applicant:** Robert Grossman

**Address:** 4103 Ruskin ST, City of West University Place, Texas 77005

**Contact:** Robert Grossman      **Phone:** 832 877 0158      **Fax:** not available      **Email:** rhgrossman@aol.com

**Decision or Action Requested (check one or more and provide requested data):**

- ( ) **Appeal.** Hear and decide an appeal from an order, requirement, decision or determination made by the Administrative Official.
- Is the official's action in writing? (X) Yes; (X) copy is attached. ( ) No, but the action appealed is as follows:
  - When was the action taken? 4-7-16 Note: Appeals must be filed within a reasonable time. Please explain any delay below: Filing is timely and in accordance with the direction of the administrative official.
  - Exact zoning ordinance section(s) involved:  
 Section 7-101 (Table 7-1) West University Place Ordinances No. 932 AND 1039  
 ARTICLE 2. - DEFINITIONS AND INTERPRETATIONS Section 2-100, Section 2-101, Section 2-102.  
 ARTICLE 10. - PARKING AREAS, DRIVEWAYS AND LOADING AREAS Section 10-104. - Loading spaces.  
 Section 5-100. - Requirement for building site. Section 5-101. - Designation of building site.  
 Section 5-102. - Division of building sites.
  - Grounds for appeal:  
 Error in the Formal Decision of the Administrative Official dated 4-07-16. Request for reversal and revision.  
 Authorized by Texas Local Government Code 211.009 AUTHORITY OF BOARD. (a) (1) and (b)  
**Argument**  
 Ordinances 932 and 1039 authorize parking of certain vehicles or residential use. Southwestern Bell owns 6707 Academy 4068 Bellaire Blvd which were and are today zoned commercial. Commercial use was not expected or authorized on lots 1-6. Block 25 of Collegeview Section 1, City of West University Place by either Ordinance 932 and Ordinance 1039. or in the minutes of the City Commissions that enacted ordinances 932 or 1039.
- ( ) **Special Exception.** Not requested
- Exact zoning ordinance section that authorizes the special exception:
  - Exact wording of special exception requested:
- ( ) **Variance.** Not requested
- Exact zoning ordinance section from which a variance is requested:
  - Exact wording of variance requested:

**Other Data.** Are there drawings or other data? (X) No ( ) Yes (list items here and attach them)

**Attached.** The applicant has read the State and City regulations attached.

Signature of applicant: [Signature] Date: 4-18-2016

For Staff Use only Date filed: 4.18.16 Date heard: 5.26.16 Docket#: 2016-00005

## Narrative

Ordinances 932 and 1039 authorize parking of vehicles owned by Southwestern Bell or its employees, or residential use. Southwestern Bell owns 6707 Academy 4068 Bellaire Blvd which were and are today zoned commercial.

As evidenced by the plain text of the referenced ordinances and the minutes of City Commission that enacted the ordinances, commercial use was not expected or authorized on lots 1-6 . Block 25 of Collegeview Section 1, City of West University Place.

Loading, unloading stocking and counting of commercial equipment and supplies are commercial activities which are not parking and are not residential and are therefore prohibited.



# The City of West University Place

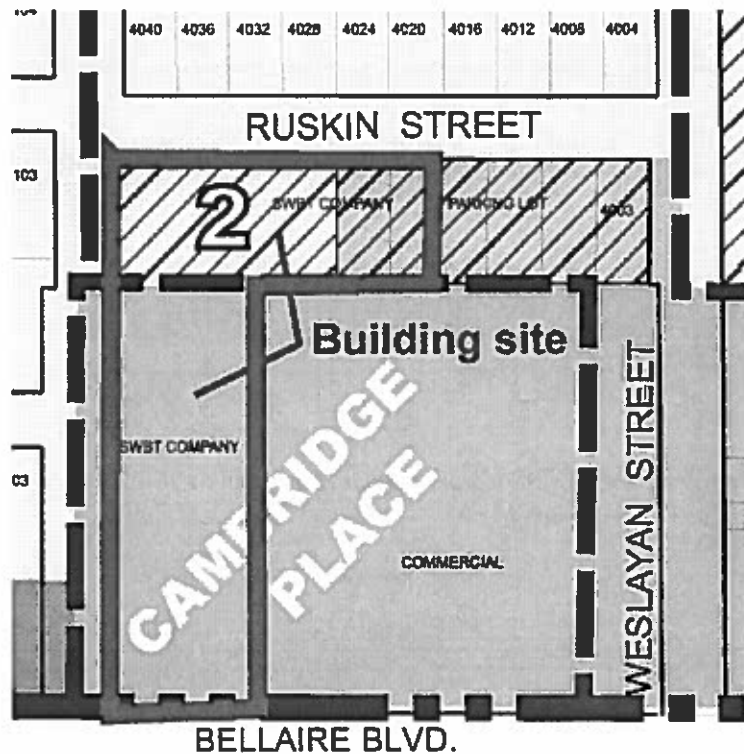
*A Neighborhood City*

Office of the Administrative Official

City of West University Place, Texas ("City")

## FORMAL DECISION OF THE ADMINISTRATIVE OFFICIAL

**Address of the building site:** 4068 Bellaire Boulevard, 6707 Academy Street and "0" Ruskin Street (Lots 1-6, Block 25 of Collegeview Section 1), City of West University Place, Texas 77005. The building site is shown in the diagram below (not to scale):



**Owner:**

SOUTHWESTERN BELL TELEPHONE COMPANY DBA  
AT&T Southwest, AT&T DataComm, AT&T Texas ("AT&T")  
208 South Akard Street, Ste 3608  
Dallas, Texas 75202

**Decisions Requested:**

Determine whether the activities of loading/unloading and stocking of AT&T service vehicles with daily work supplies and the temporary inventorying of such supplies in the designated parking area (which is on the north portion of the building site, adjoining Ruskin) are allowed uses.



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### ***Ordinance Reference:***

Zoning Ordinance ("ZO") of the City of West University Place, Texas, as amended. See Sections 7-101 (Table 7-1). See, also, City of West University Place Ordinance Nos. 932 and Ordinance 1039, adopted in 1970 and 1975, respectively, which rezoned and authorized the use of Lots 1-6 on the building site for parking (the "Parking Ordinances").

### ***Administrative Official's Findings:***

The ZO directly regulates most activities on the building site. The building site is split among three different zoning districts. The south part, adjoining Bellaire Boulevard, is in the Commercial "C" District. Four of the lots on the north, adjoining Ruskin, are in the Single Family "SF-3" District, and two are in the Planned Development District-Single Family "PDD-SF2" District (formerly known as the PDD-TH6 District).

On all six of the northern lots, which comprise the parking area in question (the "Parking Area"), commercial uses are normally prohibited by Section 7-101, Table 7-1 of the ZO.<sup>1</sup> However, the Parking Ordinances expressly authorized the Parking Area to be used as a parking lot for parking of vehicles owned by AT&T and its employees. The Parking Ordinances further indicate that "when such lots are used for the purposes of parking" then the Parking Area is subject to the alternate regulations set forth in Section C of the same, thereby recognizing the need to differentiate the property when used as a parking lot versus as single family residential. The Parking Area was effectively rezoned making parking the principal use of the Parking Area and directly tying the use of the Parking Area to the adjacent commercial AT&T property.

Currently, the AT&T employees park their service vehicles in the Parking Area and bring supplies out of the building to the vehicles. The supplies are brought out of the building on dollies and handcarts down a service ramp leading from a back door and platform. The platform and ramp are contained within the commercially zoned property. At times, the supplies from within the vehicles are brought out of the vehicle so that an inventory can be taken and new supplies brought in to restock the service vehicles.

### ***Administrative Official's Decision:***

The parking of AT&T service vehicles in the Parking Area is authorized by the Parking Ordinances, which specifically tied the use of the Parking Area to the use and ownership of the adjacent commercial property. Service vehicles are required to have specific equipment and supplies in order to serve their intended purpose. It is expected that the

<sup>1</sup> Table 7-1 indicates that "utility or service use" is allowed. However, the questioned activities are not covered by the definition of that use in Section 2-102 of the ZO. Because Lots 5 and 6 are in the PDD-SF2 District, Table 7-101, Note 5 allows the Zoning Board of Adjustment to issue a special exception to allow non-residential parking on those two lots, subject to conditions. No such special exception has been reported or found.

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loading/unloading and stocking of AT&T service vehicles would necessarily occur on the site designated for parking such vehicles. The Parking Ordinances focus on the types of structures not allowed in the Parking Area, but do not prohibit activities that are incidental to the parking of service vehicles. Because the questioned activities are interrelated with parking and not prohibited by the Parking Ordinances, they were authorized concomitantly with the authorization for the parking of AT&T service vehicles in the Parking Area. Therefore, the activities of loading/unloading and stocking AT&T service vehicles and the temporary inventorying of supplies are allowed uses in the Parking Area.

**Effective Date & Appeals:** This decision takes effect on the date it is signed. Persons listed in Section 211.010 of the Texas Local Government Code may appeal this decision. Appeals (including the deadline for filing of appeals) are subject to and governed by applicable rules, ordinances and laws, including:

(X) Zoning Ordinance,

(X) Chapter 18, Code of Ordinances,

(X) Zoning Board of Adjustment "Rules of Procedure." IMPORTANT: Article II, Section 3 of the Rules of Procedure generally requires that appeals be filed on or before the tenth City business day following the date the Administrative Official "enters an order, ruling, decision, or determination that is the subject of the appeal . . . ."

UNLESS APPEALED AS PROVIDED ABOVE, THIS DECISION WILL BECOME FINAL. IF APPEALED, THIS DECISION CAN BE REVERSED, MODIFIED OR AFFIRMED BY THE ZONING BOARD OF ADJUSTMENT. NOTHING IN THIS DECISION CREATES ANY VESTED RIGHT OR PROPERTY RIGHT, BUT INSTEAD, ALL SITES, USES AND ACTIVITIES REMAIN FULLY SUBJECT TO THE REGULATORY AUTHORITY OF THE CITY.

**Other Administrative Remedies:** In addition to the appeals mentioned above, other administrative remedies may apply to matters covered by this decision. These include: (1) responding directly to the Administrative Official, in person, by phone, by fax, by email or by mail (see contact information, below); (2) applying to the Board of Adjustment for a variance, special exception or interpretation, as applicable; (3) giving notices under Section 8-112 of the ZO for certain claims based on federal or state law; and (4) applying to the Zoning & Planning Commission or City Council, or both, to add or change applicable regulations. Applications to the Board of Adjustment or Zoning & Planning Commission should be in writing or fax and may be delivered to the Administrative Official (see contact information, below). Applications to the City Council should be in writing and delivered to the City Secretary, 3800 University Blvd., West University Place, Texas 77005. Members of the public may also address the Board, Commission or Council in person during a meeting. Dates, times and places of meetings of the Board, Commission and Council are posted at 3800 University Blvd., West University Place, Texas 77005 and on the City's website: <http://www.westutx.gov/>.

**Generally.** This decision does not authorize, allow or excuse any violations or failures to comply with the Zoning Ordinance or other laws, ordinances, rules or regulations. Penalties, sanctions and other remedies continue to apply to any such violations and failures to comply. This decision is not an order, but it is a notice of violation as contemplated by Section 54.017, Texas Local Government Code.





# The City of West University Place

## *A Neighborhood City*

### CITY OF WEST UNIVERSITY PLACE

Date entered: April 7, 2016

By: Debbie Scarcella

Administrative Official

3826 Amherst, West University Place, TX 77005

Phone: 713-662-5839; Fax: 713-662-5369

Email: [dscarcella@westutx.gov](mailto:dscarcella@westutx.gov)

Date delivered to owner: 4-7-16

Delivered by: *(electronic and regular mail)*

*Additional copies of this decision were delivered as follows:*

*Reid Wilson, Legal Counsel (by electronic transmission on: 4-7-16)*

*Karen Jones, Facility Manager (by electronic transmission on: 4-7-16)*

*Robert Grossman (by electronic transmission on: 4-7-16)*

*David Cole (by electronic transmission on: 4-7-16)*



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# The City of West University Place

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*(This Addendum is an integral part of the foregoing notice entitled  
"FORMAL DECISION OF THE ADMINISTRATIVE OFFICIAL.")*

### ADDENDUM REGARDING OWNERSHIP OF THE REAL PROPERTY ("BUILDING SITE") DESCRIBED IN THE FOREGOING NOTICE

**TO: SOUTHWESTERN BELL TELEPHONE COMPANY:** According to the real property records of Harris County, you own the real property described in the attached notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

This Addendum is submitted pursuant to Section 54.005 of the Texas Local Government Code. You may use the affidavit shown below to state that you no longer own the property described in the foregoing notice (referred-to as the "building site"). It must be delivered to this office (see address below) within 20 days.

**SIGNED AND SUBMITTED:**

By: \_\_\_\_\_, Administrative Official      Date: \_\_\_\_\_  
Address of this office: 3826 Amherst, West University Place, TX 77005

#### AFFIDAVIT

THE STATE OF \_\_\_\_\_ X

COUNTY OF \_\_\_\_\_ X

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned person, who being by me first duly sworn, did upon his or her oath depose and say:

(1) My name is *(insert)*: \_\_\_\_\_. I am a duly authorized representative of SOUTHWESTERN BELL TELEPHONE COMPANY.

(2) SOUTHWESTERN BELL TELEPHONE COMPANY does not own the property described in the foregoing notice.

(3) The name and last known address of the person who acquired the property from SOUTHWESTERN BELL TELEPHONE COMPANY are as follows: *(insert)*

SIGNED: \_\_\_\_\_

SWORN TO AND SUBSCRIBED before me on \_\_\_\_\_, 20\_\_\_\_

(SEAL)

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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TOP  
WORK  
PLACES

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## **West University Place Zoning Ordinances: APPENDIX A - ZONING ORDINANCE\***

### **ARTICLE 2. - DEFINITIONS AND INTERPRETATIONS**

#### **Section 2-100. - Rules of Construction.**

In this ordinance:

- (3) Words not specially defined in this ordinance are used in their common ordinary senses, except that special terms used in the context of criminal violations (such as "affirmative defense" and "presumption") are intended to have the same meanings as in the Texas Penal Code.

#### **Section 2-101. - Intent and effect of law.**

The intent of this ordinance and of the use of particular undefined words is to be determined from the whole ordinance and not from a narrow reading of a particular sentence or phrase. This ordinance shall be interpreted and applied in accordance with the constitutions and laws of the State of Texas and the federal government of the United States of America as well as the Charter of the City.

#### **Section 2-102. - Certain terms.**

Certain terms in this ordinance, whether capitalized or not, are defined as follows for purposes of this ordinance:

Parking area. An outdoor area designated or improved to store motor vehicles. The term includes parking "pads."

Residential purposes (or uses). Ordinary domestic purposes (or uses), not involving any business, commercial, industrial or institutional activity, whether carried on for profit or not. Providing any good or service, or offering to provide it, on or from any premises to or for anyone who does not reside on the same premises in exchange for any money or thing of value, whether demanded or accepted, is a business activity. However, in any proceeding where the presence of a business activity under this ordinance is an issue, it shall be an affirmative defense that the alleged business activity was only an incidental sale or was part of a home occupation, but such an affirmative defense shall not apply to any alleged violation of another ordinance of the City unless the other ordinance so provides.

#### **Section 10-104. - Loading spaces.**

On the same building site with every building used for non-residential purposes there must be adequate loading space, separate and apart from the off-street parking spaces. The amount of loading space shall be sufficient in size and configuration to avoid the possibility that loading or unloading would obstruct a street or sidewalk, taking into account the proposed use of the building and the types of vehicles likely to serve it. However, there must be at least one loading area (10 wide by 30 feet long) for each 20,000 square feet of gross floor area, or fraction thereof, of building space likely to require loading space. Loading areas do not satisfy this section unless they are located within 200 feet (measured in a straight line horizontally) of the farthest point in the building space they serve.

**Section 5-100. - Requirement for building site. Section 5-101. - Designation of building site.**

**Section 5-102. - Division of building sites.**

### **Common/Ordinary definitions by Merriam-Webster**

Commercial. related to or used in the buying and selling of goods and services. : concerned with earning money. : relating to or based on the amount of profit that something earns.

Park. to leave temporarily on a public way or in a parking lot or garage bring (a vehicle that one is driving) to a halt and leave it temporarily, typically in a parking lot or by the side of the road.



## ORDINANCE NUMBER 1039

AN ORDINANCE AMENDING ORDINANCE NUMBER 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY PERMITTING LOTS 5, 6, 7, 8, 9 AND 10, BLOCK 25, COLLEGEVIEW FIRST ADDITION, CITY OF WEST UNIVERSITY PLACE, TEXAS, TO BE USED FOR PARKING PURPOSES SUBJECT TO VARIOUS RESTRICTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

Section 1: That Section 24C of Ordinance Number 111 of the City of West University Place, Texas be, and it is hereby amended so that hereafter said Section 24C shall read as follows:

"Section 24C. Collegeview First Addition; Block 25, Lots 1-10, Restrictions.

- A. A use that conforms in all respects to the requirements as to the use, lot size, location of main and accessory buildings, frontage, setbacks and size of main and accessory buildings, in Single Family Dwelling District Number VIII-A.
- B. Lots 1, 2, 3, 4, 5 and 6 may be used as a parking lot for the parking of vehicles owned by the Southwestern Bell Telephone Company and/or its employees. Lots 7, 8, 9 and 10 may be used as a parking lot for the parking of passenger vehicles. All other vehicles are prohibited. When such lots are used for the purposes of parking, no structures of any kind shall be constructed on said lots except as provided in Section C below.

"Passenger" vehicle is defined for the purposes of this Section as any vehicle designed and used primarily for the transportation of passengers and having a maximum gross vehicular weight of 6,000 pounds.

- C. The use of said lots as a parking lot shall be conditioned upon compliance with the following regulations, to-wit:
  1. No entrance-exit shall be permitted onto Ruskin Street from Lots 1, 2, 3, 4, 5 and 6. The size, number and location of curb cuts for entrance-exit onto Ruskin Street and Wesleyan Street from Lots 7, 8, 9 and 10 shall require approval of the City Commission upon application by the owners of such lots, if and when such lots are used for parking purposes.
  2. A hedge shall be planted and/or an opaque fence or wall constructed with a minimum height of 3½' and a maximum height of 4½' on the property line bordering Ruskin Street and Wesleyan Street and bordering the

line of any adjacent lots which are not used for parking purposes. The type of hedge or wall located on the south line of the lots, if any, shall be subject to the approval of the Chief of the Fire Department.

If, in compliance with the aforesaid provision, the owner of the parking lot desires to erect a masonry wall, such wall shall be constructed in accordance with specifications for "masonry walls" in the Code of Ordinances of the City of West University Place, Texas.

3. There shall be a minimum of two (2) feet from the property line to the edge of the parking surface.
4. All parking area shall be paved with a stabilized all-weather surface, or concrete, provided, however, no concrete paving shall be placed over existing sanitary sewer and water lines located in the easement area.
5. Sufficient light shall be provided to adequately illuminate such lots and shall be of the type which will illuminate the parking lot only.
6. Signs for the purpose of identifying the property shall not exceed six (6) square feet in area and shall be restricted to locations at entrances and exits and if illuminated shall be a constant light source and not to be intermittent or flashing light."

Section 2. This ordinance shall be in full force and effect immediately from and after its passage and approval by the Mayor.

PASSED AND APPROVED this 26th day of May, 1975.

Commissioners Voting Aye: All

Commissioners Voting No: None

Paul W. Walling  
Mayor

ATTEST:

Lee Lockard  
Assistant City Secretary

## ORDINANCE NUMBER 932

AN ORDINANCE AMENDING ORDINANCE NUMBER 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY PERMITTING LOTS 1, 2, 3, and 4, BLOCK 25, COLLEGEVIEW FIRST ADDITION, CITY OF WEST UNIVERSITY PLACE, TEXAS, TO BE USED FOR PARKING PURPOSES SUBJECT TO VARIOUS RESTRICTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1. That Ordinance number 111 of the City of West University Place, Texas, be and it is hereby amended by the addition thereto of Section 24C, immediately following Section 24B, which said Section 24C shall read as follows:

"Section 24C. Lots 1, 2, 3 and 4, Block 25, Collegeview First Addition, City of West University Place, Texas, shall be used for the following purposes and no others:

- A. A use that conforms in all respects to the requirements as to the use, lot size, location of main and accessory buildings, frontage, setbacks and size of main and accessory buildings, in Single Family Dwelling District Number VIII-A.
- B. A parking lot for the parking of vehicles owned by the Southwestern Bell Telephone Company and or its employees and when used for such purposes no structures of any kind shall be constructed on said parking lot, except signs as provided in Section C-(7) of this ordinance.
- C. The use of said lots as a parking lot shall be conditioned upon compliance with the following regulations, to-wit:
  - (1) No entrances or exits shall be allowed on the Rusklin Street side of the parking lot. All entrances and exits shall be on Academy Street.
  - (2) A hedge shall be planted along the entire width of the parking lot on Rusklin Street and along the Academy Street side of the parking lot in compliance with Article V, Section 20.72 through and including Section 20.75 of the Code of Ordinances of the City of West University Place, Texas (Ordinance number 741).

- (3) An opaque fence or wall shall be constructed on the east property line of Lot 4, beginning at the setback line of Lot 5, which is 20 ft., preceding south along the east property line of Lot 4, thence west along the south property line of Lot 4 and a portion of Lot 3, to its intersection with the east property line of Southwestern Bell Telephone Company's existing property, such fence or wall to be a minimum of six (6) feet in height and a maximum of seven (7) feet in height, from ground level.

If, in compliance with the aforesaid provision, the owner of the parking lot desires to erect a masonry wall, such wall shall be constructed in accordance with specifications for "masonry walls" in the Code of Ordinances of the City of West University Place, Texas.

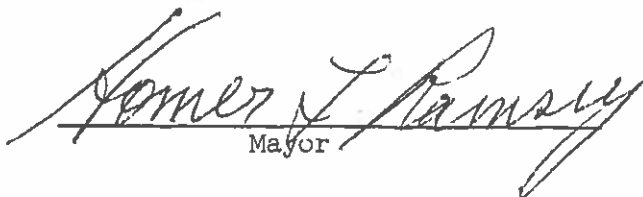
- (4) There shall be a minimum of two (2) feet from the property line to the edge of the parking surface.
- (5) All parking area shall be paved with a stabilized all-weather surface, or concrete, provided, however, no concrete paving shall be placed over existing sanitary sewer and water lines in the reserved twenty (20) foot strip.
- (6) If light is provided, it shall be of the type which will illuminate the parking lot only.
- (7) Signs for the purpose of identifying the property shall not exceed six (6) square feet in area and shall be restricted to locations at entrances and exits and if illuminated shall be a constant light source and not to be intermittent or flashing light."

SECTION 2. This Ordinance shall be in full force and effect immediately from and after its passage and approval by the Mayor.

PASSED AND APPROVED this 26th day of January, 1970.

Commissioners Voting Aye: All

Commissioners Voting No: None

  
Mayor

ATTEST:

  
Assistant City Secretary

PUBLIC HEARING  
CITY COMMISSION AND ZONING AND PLANNING COMMISSION  
JANUARY 13, 1970

The City Commission of the City of West University Place and the Zoning and Planning Commission of the City of West University Place convened at 7:30 p.m., at the City Hall, for the purpose of holding a Public Hearing called for this date, with the following members present: Mayor Homer L. Ramsey, presiding; Commissioners Neighbors, Proctor, Scott and Wallin; Zoning and Planning members, David Hannah, Chairman, presiding; members Bricker, Hilton, Hines and Lott. The City Attorney and City Manager were also present.

Mayor Ramsey stated that this public hearing was being held jointly and simultaneously by the City Commission and Zoning and Planning Commission for the purpose of giving consideration to rezoning from Single Family Dwelling to vehicle parking by employees of the Southwestern Bell Telephone Company and vehicles owned by the company, the following property:

Lots 1,2, 3 and 4, Block25  
Collegeview 1st Addition  
City of West University Place

Motion by Commissioner Wallin, seconded by Commissioner Scott, that the public hearing called by the City Commission be opened.

Voting Aye: All

Voting No: None

Motion by Mr. Hilton, seconded by Mr. Hines, that the public hearing called by the Zoning and Planning Commission be opened.

Voting Aye: All

Voting No: None

Mayor Ramsey requested that Zoning and Planning Commission Chairman David Hannah explain the action taken by that Commission on the original application filed by the Southwestern Bell Telephone Company.

Chairman Hannah stated that on November 13, 1969 an application for rezoning of the property in question was received by the Zoning and Planning Commission for parking from the Southwestern Bell Telephone Company. In an official meeting of the Zoning and Planning Commission on November 13, 1969 a decision was made to consider the application. A recessed meeting of the Zoning and Planning Commission was held on November 18, 1969 and a Public Hearing called for 8:00 p.m., Thursday, December 11, 1969.

On November 19, 1969 the Zoning and Planning Commission filed its preliminary report with the City Commission notice of the public hearing was mailed to all property owners within a 200' radius of the property on November 19, 1969 and proper legal notice was published in the regular legal section of the Houston Post on November 22, 1969.

On December 11, 1969 the Zoning and Planning Commission held its public hearing and filed a report of such hearing with the City Commission on December 22, 1969.

Mayor Ramsey requested that City Attorney Charles Cockrell determine that all legal requirements in connection with the public hearing had been fulfilled.

Mr. Cockrell was advised by Assistant City Secretary, Mrs. Lee Lockard, that all notices had been mailed to property owners within a 200' radius, legal notices published in the Houston Post, official newspaper of the city, and all things prerequisite to the holding of a public hearing had been accomplished.

Mr. Cockrell advised those in attendance that if they wished to be heard, either for or against the proposed rezoning, they should rise and take the Oath as administered by Mayor Ramsey.

Mayor Ramsey then administered the Oath to all those desiring to be heard.

Mr. Howard Burney, District Manager of the MOhawk Exchange of the Southwestern Bell Telephone Company, stated the proposed off-street parking for their employees on Lots 1, 2, 3 and 4, Block 25, Collegeview 1st, was to control a long standing problem. He stated they were deeply sympathetic with the residents in the area where Telephone Company employees were parking in front or at the side of their homes causing problems for them, and he felt this was the best possible solution. Mr. Burney stated that the Telephone Company is now in the midst of constructing a third story on their existing building and after completion they would regain 42 parking spaces. These spaces, together with those proposed for the parking lot, would provide 100% employee parking.

Mr. Dusty Rhodes, 3606 Georgetown; Mrs. Jackie Patterson 3616 Amherst, Mr. Arthur Goldman, 4032 Ruskin, Mr. W. T. Durow, 4007 Ruskin, Mrs. W. B. Bennett, 4118 Riley and Mrs. Sue Myers, 2619 Robinhood, spoke in opposition to the proposed rezoning, stating that they thought this would be "spot zoning"; that it infringed into a residential area; that it was the first step in breaking the strong zoning laws enjoyed by residents for many years and that consideration should be given to the purchase of property on Bellaire Boulevard that has previously been zoned for this purpose.

Mr. Cockrell advised that this was not considered "spot Zoning" because it is contiguous to the Company's existing operation; that you cannot keep a utility company out of an area and that each application for rezoning is considered on its own merits.

Mr. and Mrs. H. J. Hicks, 4027 Ruskin, stated that they would not intentionally do anything to jeopardize zoning in the City of West University Place in any way, but would like to see action toward implementation of the recommendations contained in the Caudill, Rowlett and Scott report and consideration given to rezoning all of Blocks 24 and 25.

Letters from Mrs. Sally Nicholson, 4029 Riley, Mr. W. P. Schuller, 4039 Riley, and Mrs. Beda Miles, 4019 Riley were presented stating that they were in favor of the rezoning and thought that a very bad parking situation would be alleviated.

Mr. I. W. Perry, 4037 Riley, Mr. J. A. Morin, 4019 Ruskin, Mrs. W. T. Durham, Mrs. Bill Rogde, 4101 Case, Mr. W. L. Partridge, 4040 Ruskin and Mr. Bill Ebanks, 4029 Case, spoke in behalf of the rezoning, stating that this was the best possible solution to a long standing parking problem faced by residents of the area; it would be a definite safety factor for employees of the Telephone Company and area residents; that no entrances or exits should be permitted on Ruskin Street; and that early consideration should be given to the possibility of rezoning the balance of Block 25.

CCI115

In answer to questions regarding the "No Parking: signs now located in the area and the possibility that creation of the parking lot would not prevent employees of the Telephone Company from still parking on the streets, the City Manager stated that all of the signs would be removed as soon as employees were using the lot, and that convenience and safety factors would insure use by employees.

Mr. Cockrell stated that inasmuch as there were no further questions or statements the public hearing could be closed, and that the City Commission and Zoning and Planning Commission, if they felt they had sufficient information, could take necessary action at this time or postpone action for further study.

Motion by Commissioner Neighbors, seconded by Commissioner Proctor, that the Public Hearing called by the City Commission be closed.

Voting Aye: All

Voting No: None

Mr. Hilton stated that he would like Mr. Burney to affirm that the parking lot construction, if permitted, would be used as a parking lot for employees of the Telephone Company during normal working hours and that no houses for "checking in and out: would be constructed. Mr. Burney stated that this was correct.

W.

Motion by Mr. Bricker, seconded by Mr. Lott, that the Public Hearing called by the Zoning and Planning Commission be closed.

Voting Aye: All

Voting No: None

Mr. Hines stated that the plans for the parking lot would have latitude insofar as location of entrances and exits and that consideration should be given at an early date to the possibility of extending the re-zoning to cover all of Block 25.

Motion by Mr. Hilton, seconded by Mr. Lott, that the Zoning and Planning Commission recommend to the City Commission that the city's zoning ordinance be amended to provide that Lots 1, 2, 3 and 4, Block 25, Collegeview 1st Addition be rezoned for use for parking automobiles owned by employees of the Southwestern Bell Telephone Company.

Voting Aye: All

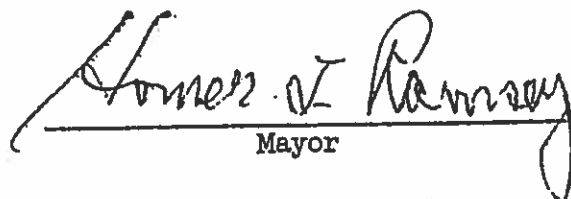
Voting No: None

Motion by Commissioner Proctor, seconded by Commissioner Scott, that the recommendation of the Zoning and Planning Commission be adopted and the City Attorney be instructed to prepare an ordinance to amend the Zoning Ordinance to rezone Lots 1, 2, 3, and 4, Block 25, Collegeview 1st Addition for use for parking automobiles owned by employees of the Southwestern Bell Telephone Company.

Voting Aye: All

Voting No: None

Upon motion duly made, seconded and carried, by the City Commission and the Zoning and Planning Commission, the meeting was adjourned at 9:08 p.m.

  
Mayor

ATTEST:

  
Assistant City Secretary

REGULAR MEETING  
CITY COMMISSION  
JANUARY 26, 1970

The City Commission of the City of West University Place convened in regular session at the City Hall on Monday, January 26, 1970, 7:30 p.m., with the following members present: Mayor Pro-Tem Neighbors, presiding; Commissioners Proctor, Scott and Wallin. The City Manager was also present. Mayor Ramsey and City Attorney Cockrell were ill.

The Invocation was pronounced by Commissioner Wallin.

Mr. Neighbors welcomed a number of visitors and expressed appreciation for their interest in the affairs of the city.

Minutes of the Joint Public Hearing by the City Commission and Zoning and Planning Commission held on January 13, 1970 for consideration of an application filed by Southwestern Bell Telephone Company, were presented for consideration.

Motion by Commissioner Proctor, seconded by Commissioner Wallin, the minutes of the joint public hearing for the purpose of giving consideration to rezoning from S Single Family Dwelling to vehicle parking by employees of the Southwestern Bell Telephone Company and vehicles owned by the company Lots 1, 2, 3 and 4, Block 25, Collegeview 1st Addition, be approved as submitted.

Voting Aye: All

Voting No: None

In accordance with action of the City Commission the following recommendation for purchase of truck and automotive equipment was submitted for consideration:

Honorable Mayor and Members of the City Commission  
City of West University Place

Gentlemen:

Bids received on January 12th for ten (10) vehicles consisting of four passenger cars, one station wagon, two pickups, two 25,000 gvw trucks and one stake body truck, were referred to me for tabulation and recommendation.

A tabulation of bids received is attached.

Due to the urgency of obtaining early delivery and replacement for the three patrol cars, a tabulation was submitted at the January 12th meeting, from which tabulation it appeared that MacRobert Chevrolet Company submitted the low bids on Units 1, 2 and 4; and that Jack Roach Ford had submitted the low bid on Unit 3. Action was then taken by the City Commission to award bids on Units 1, 2, 3 and 4 to the low bidder.

Unit 5 - Station Wagon - Inspection Department

The tabulation received by the City Commission on January 12th indicated that MacRobert Chevrolet was the low bidder. However, in conferring with their representative, Mr. John Kennedy, it was discovered that freight in the amount of \$123.75 had been omitted and that his company was not willing to waive the freight charge. After adding the additional freight of \$123.75 MacRobert Chevrolet is still low with a bid of \$2,271.75 as the second bidder

CC1115



PUBLIC HEARING  
CITY COMMISSION AND ZONING AND PLANNING COMMISSION  
APRIL 22, 1975

The City Commission of the City of West University Place and the Zoning and Planning Commission of the City of West University Place convened at 7:30 p.m. at the City Hall, for the purpose of holding a Public Hearing called for this date, with the following members present: Mayor Wallin, presiding; Commissioners Binig, Dunn, Stanley and Thompson; Zoning and Planning Commission members, E. G. Hines, Chairman, presiding; members Dahlin, Bartholomew and Weatherby. The City Attorney and City Manager were also present. Zoning and Planning Commission member W. P. Lipscomb was absent.

Mayor Wallin stated that this public hearing was being held jointly and simultaneously by the City Commission and Zoning and Planning Commission for the purpose of giving consideration to the recommendation of the Zoning and Planning Commission to rezone the following described property for townhouses and/or clusterhouses:

Lots 6, 7, 8, 9 and East 10 ft. of 10,  
Block J, Kent Place Addition, 3600  
block of Bellaire Boulevard

Motion by Commissioner Stanley, seconded by Commissioner Thompson, that the public hearing to consider the proposition recommended by the Zoning and Planning Commission to rezone certain properties contained in legal notice published in the Southwestern Argus on January 22, 1975, be opened

Voting Aye: All

Voting No: None

Motion by Commissioner Weatherby, seconded by Commissioner Bartholomew, that the Public Hearing to consider the proposition recommended by the Zoning and Planning Commission to rezone certain properties as contained in the Final Report of the Zoning and Planning Commission dated March 24, 1975, be opened.

Voting Aye: All

Voting No: None

Mayor Wallin ascertained from the secretary that notice of public hearing was published in the Southwestern Argus on Wednesday, April 2, 1975, and notice to individual property owners within a 220' radius of the property being considered were mailed on April 2, 1975, thereby fulfilling legal requirements for the Public Hearing.

Mayor Wallin requested Mr. E. G. Hines, Chairman, Zoning and Planning Commission, to review the activity sequence of such Commission during consideration of the recommended change.

Mr. Hines stated that the applications filed by Messrs. R. B. and E. A. Mayor and Mrs. Paul S. Watts were received by the Zoning and Planning Commission on January 14, 1975; Preliminary Report was filed with the City Commission on January 17, 1975; notice was published in the Southwestern Argus on January 22, 1975 and notice to all property owners within a 200' radius of the property on January 22, 1975. The Public Hearing by the Zoning and Planning Commission was held on February 11, 1975 and the Final Report filed with the City Commission on March 24, 1975.

In response to Mayor Wallin's question regarding fulfillment of all legal requirements for the Public Hearing, City Attorney Charles Cockrell advised that Ordinance Number 1035 calling a joint public hearing was passed and approved by the City Commission on March 24, 1975, and that the secretary had testified that the required legal notice had been published and notice had been mailed to all property owners.

Mayor Wallin announced that in order to expedite the public hearing, the following regulations for procedure would be followed:

- a. Those addressing the Commissions to give their name, address and street address of the property they own in West University.
- b. The applicant and others who may support the application would be given an opportunity to present any relevant information in connection with the application.

Members of both Commissions may elicit such additional information as they feel proper, by questioning the applicants.

Questions may then be directed to the applicants from the floor.

- c. Those wishing to present pertinent information in opposition to the application may do so.

Again, questions may be asked by members of both Commissions, followed by questions from the floor.

Mayor Wallin administered the Oath to Mr. Richard Mayor, 226 Pine Hollow, Houston, one of the applicants for rezoning of the property being considered.

Mr. Mayor stated that it was his belief that the reasons for the request for rezoning were amply set out in the report and recommendation of the Zoning and Planning Commission. Mr. Mayor then reviewed for the Mayor and City Commission the recommendation of the Zoning and Planning Commission of March 11, 1974, wherein the property being considered for rezoning for the construction of townhouses and/or clusterhouses, was recommended as a visual park site, and this tract of land was the only vacant property deleted from the recommendation of the Zoning and Planning Commission for construction of townhouses and/or clusterhouses.

Mr. Mayor advised the Commissions that he was aware of the city's ability to acquire the property for a park site by means of condemnation, but to do so would be the acquisition of property without due process of law and his right to equal protection under the law. Mr. Mayor then requested that the City Commission follow the recommendation of the Zoning and Planning Commission and grant the application.

Members of the Commissions and those in attendance at the Public Hearing had no questions for Mr. Mayor.

Motion by Mr. Weatherby, seconded by Mr. Bartholomew, that the public hearing be closed.

Voting Aye: All

Voting No: None

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Motion by Commissioner Binig, seconded by Commissioner Dunn, that public hearing be closed.

Voting Aye: All

Voting No: None

Motion by Commissioner Stanley, seconded by Commissioner Thompson, that the Final Report and recommendation of the Zoning and Planning Commission, to rezone Lots 6, 7, 8, 9 and east 10' of 10, Block 1, Kent Place Addition, 3600 block of Bellaire Boulevard for the construction of townhouses and/or clusterhouses be accepted.

Motion amended by Commissioner Thompson, accepted by Commissioner Stanley, to instruct the City Attorney to prepare the necessary ordinance for the rezoning.

Voting on the amendment.

Voting Aye: All

Voting No: None

Voting on the motion.

Voting Aye: All

Voting No: None

Mayor Wallin recessed the meeting for five minutes prior to calling the second public hearing to order.

Mayor Wallin announced that a joint public hearing was being held by the City Commission and Zoning and Planning Commission and would be opened to consider the Final Report and recommendation of the Zoning and Planning Commission to rezone the following described property for vehicular parking:

Lots 5, 6, 7, 8, 9 and 10, Block 25  
Collegeview 1st Addition  
4000 block of Ruskin

Motion by Commissioner Thompson, seconded by Commissioner Binig, that the public hearing to consider the proposition recommended by the Zoning and Planning Commission to rezone certain properties for vehicular parking, be opened.

Voting Aye: All

Voting No: None

Motion by Mr. Weatherby, seconded by Mr. Dahlin, that the public hearing to consider the rezoning of certain properties for vehicular parking, be opened.

Voting Aye: All

Voting No: None

Mayor Wallin ascertained from the secretary that notice of public hearing was published in the Southwestern Argus on April 2, 1975, and notice to individual property owners within a 200' radius of the property being considered were mailed on April 2, 1975, thereby fulfilling legal requirements for the public hearing.

Mayor Wallin requested Mr. E. G. Hines, Chairman, to review the activity sequence of the Zoning and Planning Commission during consideration of the recommended change.

Mr. Hines stated that an application had been filed by Southwestern Bell Telephone Company to rezone Lots 5 and 6, Block 25, Collegeview 1st Addition and the Zoning and Planning Commission had added Lots 7, 8, 9 and 10, Block 25, Collegeview 1st Addition, as part of the property to be rezoned for vehicular parking. The application by Southwestern Bell Telephone Company was received on December 10, 1974, and further considered by the Zoning and Planning Commission on January 14, 1975. A Preliminary Report was filed with the City Commission on January 17, 1975; notice of Public Hearing was published in the Southwestern Argus on January 22, 1975; and notice of public hearing was mailed to all property owners on January 22, 1975. A public hearing was held by the Zoning and Planning Commission on February 11, 1975, and Final Report filed with the City Commission on March 24, 1975.

In response to Mayor Wallin's question regarding fulfillment of all legal requirements for the Public Hearing, City Attorney Charles Cockrell advised that Ordinance Number 1035 calling a joint public hearing was passed and approved by the City Commission on March 24, 1975, and that the secretary had testified that the required legal notice had been published and notice had been mailed to all property owners.

Mayor Wallin again reviewed the procedure to be followed in holding the public hearing.

Mayor Wallin administered the Oath to Mr. Bill Knight, Mrs. Miriam Israel, Mr. Wm. Patridge and Mr. Arthur Goldman.

Mr. Knight, District Manager, Southwestern Bell Telephone Company, whose home address is 6214 Rutherglen, advised the Commission that adequate parking spaces for employees of Southwestern Bell had been a long standing problem for the company, the city, Police Department and residents of the area.

Mr. Knight stated they now have sixty (60) parking spaces on their existing lot, twenty-five (25) spaces in front of the building, twenty (20) spaces on the west side of Academy, and that the new lot construction will provide an additional thirty-five (35) spaces. Mr. Knight further stated that a survey of employees indicated there were 185 of whom drove automobiles to work. The proposed parking lot would be re-vamped to include the existing lot, with new lighting, re-striped and have a curb cut onto Ruskin Street.

Mr. Knight advised the Commission that all recommendations by the Fire Chief and Police Chief had been considered in the preparation of plans for the parking lot in hopes that many of the problems encountered in the past might be eliminated.

Mrs. Miriam Israel, 5511 Cheltenham, stated that she owned the property at 4003 Ruskin, and that she was in favor of the recommendation, however, she felt some changes should be made in the construction of the proposed parking

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lot, inasmuch as she thought permitting traffic from the lot onto Ruskin would be dangerous since it was a narrow street, and it was her belief that all traffic should be onto Academy.

Mrs. Israel stated that she agreed with Commissioner Thompson in that the construction of the new parking lot would not be an answer to the problem of adequate parking for Southwestern Bell employees and that a personal survey indicated employees were parking on Ruskin, Cason and Fairhaven.

Mrs. Israel further stated that she had not been permitted to construct a carport at her home because of the location of a utility easement, however, it appeared that Southwestern Bell had paved over the same was her feeling that this should be investigated prior to the proposed new construction.

In response to a question by the City Commission, Mr. Knight stated that in response to a request of the Chief of Police, the parking lot would be constructed in a horseshoe shape with 45 cars exiting onto Ruskin and 45 exiting onto Academy during peak hours.

Mr. Arthur Goldman, 4032 Ruskin, stated that the existing parking lot was virtually empty between four and five o'clock each afternoon and it was his belief that an additional 35 cars exiting onto Academy would be no problem and that a curb cut on Ruskin would not be necessary.

Mr. Goldman stated that he was heartily in favor of the rezoning of Lots 5 and 6 for vehicular parking use by Southwestern Bell, but was very opposed to rezoning of Lots 7, 8, 9 and 10, inasmuch as two of the lots were owned by Corrigan Interests and speculation was a proposed use as a loading dock.

Mr. W. L. Partridge, 4040 Ruskin, stated that he was very much in favor of rezoning the property for use by Southwestern Bell.

In response to a question regarding possible purchase by Southwestern Bell of Lot 7, Mr. Knight stated that it was entirely an economical situation inasmuch as owners of Lot 7 wanted too much money for the lot.

In response to questions regarding the city's ability to include certain use restrictions into an Ordinance rezoning the property, City Attorney Charles Cockrell stated that such provisions could be incorporated into the ordinance and it would be enforceable based on the ordinance, and such restrictions could limit the character and size of a fence across the rear easement.

Motion by Mr. Dahlin, seconded by Mr. Bartholomew, that the public hearing be closed.

Voting Aye: All

Voting No: None

Motion by Commissioner Dunn, seconded by Commissioner Stanley, that the public hearing be closed.

Voting Aye: All

Voting No: None

Following a general discussion with regard to further consideration to the application, the following action was taken:

Motion by Commissioner Stanley, seconded by Commissioner Binig, that the meeting of the City Commission be recessed until 7:00 p.m., Monday, May 5, 1975.

Voting Aye: All

Voting No: None

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RECESSED MEETING OF CITY COMMISSION

MAY 5, 1975

The City Commission convened in recessed session at the City Hall on Monday, May 5, 1975, 7:30 p.m., with the following members present: Mayor Wallin, presiding; Commissioners Binig, Dunn, Stanley and Thompson. The City Attorney and City Manager were also present.

Mayor Wallin advised that this was a continuation of a meeting of the City Commission on April 22, 1975, at which time a public hearing was held to consider a recommendation and final report of the Zoning and Planning Commission to rezone Lots 5, 6, 7, 8, 9 and 10, Block 25, Collegeview 1st Addition for vehicular parking.

The Commission was advised that a motion did not have to be on the floor in order to discuss the recommendation.

City Attorney Charles Cockrell advised the Commission that the recommendation could be accepted as contained in the Final Report of the Zoning and Planning Commission; amended if desired by the City Commission; or additions and changes made.

The fact that only Southwestern Bell Telephone Company had filed a formal application requesting that Lots 5 and 6 owned by them be rezoned for parking purposes was discussed by the Commission.

Plans for the construction of the parking lot planned by Southwestern Bell Telephone Company were reviewed by the Commission with considerable discussion regarding the proposed curb cuts onto Ruskin Street. Some members of the Commission were opposed to the curb cuts inasmuch as there was a possibility of adding additional traffic onto a residential street.


Discussion concerning rumors that owners of Lots 7 and 8 proposed to use such property for a loading dock concluded that the provisions of an ordinance could preclude such usage.

Motion by Commissioner Binig, seconded by Commissioner Thompson, that the Final Report including all of the nine (9) points of the Zoning and Planning Commission dated March 24, 1975, recommending that Lots 5, 6, 7, 8, 9 and 10, Block 25, Collegeview 1st Addition be rezoned for the purpose of parking non-commercial passenger vehicles be accepted.

Voting Aye: Binig  
Thompson  
Wallin

Voting No: Dunn  
Stanley

With no further business to come before the Commission at this time, upon motion duly made, seconded and carried, the meeting adjourned at 8:00 p.m.

  
MAYOR

ATTEST:

  
Assistant City Secretary

